



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration  
of  
Hazardous Waste Site Cleanup Professionals**

**MINUTES  
of  
BOARD MEETING**

Held on  
**May 27, 2009**

Meeting Location: Department of Environmental Protection.  
627 Main Street  
Worcester, Mass.

Prepared by: A. Fierce

[Approved: June 25, 2009]

1. **Call to Order:** Chairperson Janine Commerford called the meeting to order at 2:15 p.m. The other Board members present were Gail Batchelder, Deborah Farnsworth, Jack Guswa, Gretchen Latowsky, and Kelley Race. Kirk Franklin, Christophe Henry, Robert Luhrs, and Debra Stake were absent. The LSP Board staff members present were Allan Fierce, Lynn Read, Brian Quinlan, Terry Wood, and Al Wyman. Also present was Wesley Stimpson of the LSP Association.
2. **Announcements:** There were no announcements.
3. **Agenda:** The Board members agreed to follow the draft agenda.
4. **Request from Denied Applicant to Remove Older Minutes from Website:**  
Mr. Fierce reported that he had received a communication from an individual whose license application had been denied over two years ago. This individual was unhappy that the Board's website continued to display the minutes of the Board meeting at which his/her application had been denied, and s/he contended that s/he recently had lost business when a prospective client googled his/her name and those Board's minutes appeared at the top of the search results. Those minutes noted that that the individual's LSP application had been denied "unanimously." Mr. Fierce said that this individual was (a) questioning why the Board needed to post any of its minutes on its website and (b) requesting that at the very least the Board remove minutes after they had been posted for a year.

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Mr. Fierce noted that there is no legal requirement that the Board post its minutes on its website. He also stated that the Board had not established a policy on how long minutes should remain posted on the website before being taken down. As a result, different staff members have handled this differently. He said that when Mr. Wyman had been in charge of the website he routinely took down old minutes that were more than about a year old. When Mr. Viola was assigned these duties, he began posting all new minutes but has yet to take down any. Currently, minutes for meetings held over the past three years are posted on the website.

The Board first discussed whether to continue to post on its website the minutes of the Board and Professional Conduct Committee meetings or whether to discontinue this practice altogether. It was the consensus of the members present that posting continue because it was viewed as a valuable service to the public and the LSP community. The members also agreed, however, that minutes should not remain posted forever.

Next the Board discussed the length of time posted minutes should remain up on the website.

At the conclusion of discussion, **a motion was made and seconded to direct staff to remove posted meeting minutes after one year. The motion was approved unanimously.**

5. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on April 14, 2009. A minor typo was noted and corrected. **A motion was made and seconded to approve the minutes as corrected. The motion was approved unanimously.**
6. **Decisions Regarding License Applicants:** The staff presented the following Application Dockets:

<u>Docket No. 1:</u> The applicant's name, company name, application number, and Application Review Panel recommendation were read into the record:				
		<u>App. No.</u>	<u>ARP</u>	<u>Rec.</u>
Jason M. Gold	Northeast Engrs. & Consultants	#9122	221	D

No members were recused.

**A motion was made and seconded that the Board accept the recommendation from Application Review Panel #221, i.e., that the application submitted by Mr. Gold be denied for the reasons set forth in the draft denial letter and that he be found ineligible to take the exam. The motion was approved unanimously.**

<u>Docket No. 2:</u> The applicant's name, company name, application number, and Application Review Panel recommendation were read into the record:				
		<u>App. No.</u>	<u>ARP</u>	<u>Rec.</u>
Justin L. Mosquera	AECOM	#2887	222	D

No members were recused.

**A motion was made and seconded that the Board accept the recommendation from Application Review Panel #222, i.e., that the application submitted by Mr. Mosquera be denied for the reasons set forth in the draft denial letter and that he be found ineligible to take the exam. The motion was approved unanimously.**

<u>Docket No. 3:</u> The applicants' names, company name, application numbers, and Application Review Panel recommendations were read into the record:				
		<u>App. No.</u>	<u>ARP</u>	<u>Rec.</u>
Derek C. Volkin	Aegis Engineering Services	#1708	223	A
Jonathon D. Puliafico	Puliafico Environmental	#9058	223	A

No members were recused.

**A motion was made and seconded that the Board accept the recommendations from Application Review Panel #223, i.e., that the applications submitted by Mr. Volkin and Mr. Puliafico be approved and that they be found eligible to take the exam. The motion was approved unanimously.**

## 7. License Renewal Applications:

**A. Renewal Dockets.** The staff presented the following License Renewal Dockets:

### **Renewal Docket #1**

#### **License Renewal**

Renewal Date: April 30, 2009

Have met all requirements for renewal.

New Renewal Date: April 30, 2012

- |                             |       |
|-----------------------------|-------|
| 1. Michael E. Billa         | #9654 |
| 2. Stephen S. Boynton       | #9367 |
| 3. Mark C. Ensign           | #3484 |
| 4. Benjamin R. Frothingham  | #9392 |
| 5. Walther B. Herminau      | #1957 |
| 6. Eric M. Johnson          | #5723 |
| 7. Timothy F. Keane         | #9126 |
| 8. Christopher R. McDermott | #1955 |
| 9. Marc J. Richards         | #5211 |

10. Bruce E. Tease

#4275

**Renewal Docket #2**  
**Request for 90-day Extension**  
Renewal Date: April 30, 2009  
New Renewal Date: July 29, 2009

- |                         |       |
|-------------------------|-------|
| 1. Reginald H. Achilles | #3675 |
| 2. Elizabeth C. Casey   | #5171 |
| 3. Neal M. Drawas       | #9844 |
| 4. Donald J. Maggioli   | #3427 |
| 5. Richard K. Quateman  | #7716 |
| 6. Thomas P. Woodard    | #1410 |

**A motion was made and seconded to renew the licenses of the LSPs on Renewal Docket #1 for a three-year period ending on the date indicated and to grant a 90-day extension to the LSPs on Renewal Docket #2. The motion was approved unanimously.**

**B. Other Renewal-related Matters.** Mr. Fierce reported that no waiver requests had been received since the previous meeting, and there were no other renewal-related matters.

**8. Other Licensing-Related Matters:**

**A. New Panel Assignments and Scheduling.** The following Board members were assigned to Application Review Panel # 224: Ms. Farnsworth, Mr. Guswa, and Ms. Latowsky. The following Board members were assigned to Application Review Panel # 225: Ms. Batchelder, Mr. Franklin, and Ms. Race.

**B. Appeals Status Report.** Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.

**C. Inactive Status Report.** Mr. Fierce reported that the following status change had occurred in the past month:

- Gary Siegel (#1523) returned to Active Status on 5/2/09.

With this status change, there are currently 4 on Inactive Status.

**D. LSPs Who Have Voluntarily Surrendered License.** Mr. Fierce announced that the following Active LSPs have voluntarily surrendered their licenses on the dates indicated:

- Domenick Cardinale (#8269) at c.o.b. on 4/20/09
- James M. Tarr (#8842) at c.o.b. on 5/5/09

**E. Suspension Periods Ended and Returned to Active Status.** Mr. Fierce reported that suspension periods ended for the following LSPs and they were returned to Active Status on the dates indicated:

- Mark Germano (#9996) on 4/26/09
- John Davey (#3456) on 5/27/09

**F. Deceased.** The staff announced that LSP Jeffrey M. Hardin (#2367) passed away on 4/17/09.

**G. Licenses Suspended for Non-Payment of Annual Fee.** The staff announced that licenses of the following LSPs were suspended for 90 days for non-payment of the Annual Fee. Prior to the expiration of 90 days, these LSPs may reinstate their licenses at any time by payment of the fee. Pursuant to 309 CMR 2.09, if they do not pay the fee within the 90-day suspension period, their licenses will be revoked.

- T. Lawrence Hine (2950) at c.o.b. on 4/17/09
- A. Lee Gustafson (#9942) at c.o.b. on 4/17/09

**H. Did Not Renew; Licenses Expired.** Mr. Fierce reported that the following LSPs did not renew their licenses and, therefore, their licenses expired on the dates indicated:

- Kurt Klages (#7770) at c.o.b. on 4/30/09
- Ken S. Chin (#9942) at c.o.b. on 4/30/09

**I. Total Number of Active and Inactive LSPs.** Mr. Fierce reported that the total number of Active LSPs as of the date of this meeting was 544.

**J. Revisions to Application Forms (Application Committee).** Mr. Fierce reported that the Committee had not met but was hoping to schedule a meeting before the next Board meeting.

**9. Examinations:**

**A. New Licensees.** The staff reported that the following approved applicants passed the licensing exam and are now LSPs:

	<u>Exam Date</u>
• Christen Sardano (#4948)	5/15/09
• Craig Sasse (#4574)	5/15/00
• Robert E. Smith (#7839)	5/15/09
• Edward Weagle (#4505)	5/15/09

**B. Next LSP Exam.** The staff reported that the next exam administration date is yet to be determined.

**C. Status Report – PC-based Administration.** Mr. Fierce reported that the exam on 5/15/09 was administered electronically. Two examinees experienced the type of

issue seen previously and were given a paper test for the afternoon section. Chris Borges, who is assisting the staff on this project, is continuing his efforts with the software developer to resolve this problem.

**10. Continuing Education Committee Report:**

**A. Course and Conference Approval Requests.** Mr. Wyman reported that the Committee had met earlier in the day and had the following course recommendations to present to the full Board:

Sponsor: LSP Association  
Course Title: MCP Risk Management  
Credits Requested: 8 Technical (non-DEP) credits  
Committee Recommendation: **Approve.**

Sponsor: LSP Association  
Course Title: Wetlands, Wetland Regulations and the Mass. Contingency Plan  
(previously approved Board Course #1164 – 8 Technical credits)  
Requested: Approval of 3 new instructors  
Committee Recommendation: **Approve new instructors identified in request.**

Sponsor: Society of Environmental Toxicology and Chemistry (SETAC)  
Course Title: Causal Analysis / Stressor Identification  
Credits Requested: 6 Technical (non-DEP) credits  
Committee Recommendation: **Approve for 8 (not 6) Technical (non-DEP) credits.**

Sponsor: Environmental Professionals' Organization of Connecticut (EPOC)  
Course Title: Laboratory Data Quality Assessment and Data Usability  
Evaluation for Environmental Investigation and Remediation  
Credits Requested: 4.0 Technical (non-DEP) credits  
Committee Recommendation: **Approve.**

Sponsor: Environmental Software Consultants, Inc.  
Course Title: SESOIL and AT123D Modeling  
Credits Requested: 8 Technical (non-DEP) credits  
Committee Recommendation: **Approve.**

Sponsor: National Ground Water Association (NGWA)  
Course Title: Low-Cost Remediation Strategies for Contaminated Soil and Ground Water (previously approved Board Course #1186 – 16 Technical credits)  
Credits Requested: 8 additional credits, for a total of 24 Technical (non-DEP) credits  
Committee Recommendation: **Approve.** This is now a 3-day course.

Sponsor: LSP Association

Course Title: Environmental Law for LSPs

(previously approved for 2 Regulatory credits)

Requested: Add 2 new instructors

Committee Recommendation: **Approve.**

Sponsor: LSP Association

Course Title: DNAPL Source Zones: Contaminant Distribution and Remediation Challenges

Credits Requested: 4 Technical (non-DEP) credits

Committee Recommendation: **Approve.**

**A motion was made and seconded to accept the Committee's course recommendations. The motion was approved unanimously.**

**B. Other Business.** The Committee had no other business to report.

11. **Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the Professional Conduct Committee meeting held earlier in the day, the Board agreed to forego a Committee report.

12. **Personnel, Budget, and Fees:**

**A. Budget.** Mr. Fierce informed the Board of the status of the state's FY-2010 budgeting process as it affects the Board. He said that back in April the House Ways & Means Committee and then the full House approved a budget bill that allocated \$419,188 for the Board. This amount was approximately \$1000 less than the Governor had proposed early in the year. In May, facing falling state revenues, the Senate Ways & Means Committee cut many state programs below the level specified in the House budget. The Board's budget was reduced by over \$77,000 to \$342,117, an amount which Mr. Fierce said was insufficient to fund the Board's operations at the current level. The full Senate approved this figure in the Senate budget. Mr. Fierce said that a House-Senate Conference Committee would soon be appointed to work out the differences between the House and Senate budgets. The Board members discussed this situation and what steps they could take to inform the Conferees of the harmful impact on the Board's operations if the Senate's number was adopted.

**B. Fees.** Because Mr. Guswa was about to depart and the Board was about to lose its quorum, the Board tabled discussion of the issue (first raised at a previous meeting) of whether the Board should interpret its regulations to allow LSPs who were experiencing economic hardship, perhaps due to a layoff, to pay the Annual Fee using an installment payment plan. This matter will be placed on the Agenda at the next meeting.

13. **Status of Board Member Replacements by Governor:** Ms. Commerford stated that the Governor has not acted on the pending replacement request.
14. **Other Business:** The Board did not discuss any other business.
15. **Scheduling of Next Meeting:** The Board agreed to hold its next meeting on June 25, 2009, at a location to be determined. The following meeting will be held on July 30, 2009, also at a location to be determined.
16. **Adjournment:** The meeting was adjourned at 3:00 p.m.